

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

|  |   |                               |
|--|---|-------------------------------|
| Adrian Tyrell Eaglin,                    | ) | C/A No. 0:18-cv-03079-SAL-PJG |
|  | ) |                               |
| Plaintiff,                               | ) |                               |
|  | ) |                               |
| v.                                       | ) |                               |
|  | ) |                               |
| Michael McCall; Warden Jim Riley; Ass.   | ) |                               |
| Warden Lane; A. Hudson; Willie Ocean;    | ) |                               |
| Ms. Albert; Mr. Zahn; J. Hollis; Warden  | ) | <b>OPINION &amp; ORDER</b>    |
| Willie Davis; John Robinson; Ms. S.      | ) |                               |
| Ferrell; Dr. Woods; Dr. Leaf; Ms. Hutto; | ) |                               |
| Kenneth Martin; Mr. Innabinet; Florence  | ) |                               |
| Mauney; John Palmer; Mr. Burrows;        | ) |                               |
| Ms. Mac; Nurse Chudd; Mr. Brown; Mr.     | ) |                               |
| Oberman; Ms. Charlene Toliver; Ms.       | ) |                               |
| Harrolds; Ms. Johnson; Dr. Smith; Ms.    | ) |                               |
| Garcia; Mrs. Judy Mitchner; Ms. Moore;   | ) |                               |
| Vaugh Jackson                            | ) |                               |
| Defendants.                              | ) |                               |
|  | ) |                               |

This matter is before the Court for review of the August 21, 2019 Report and Recommendation of United States Magistrate Paige J. Gossett (the “Report”), made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). In the Report, the Magistrate Judge recommended granting Defendants Kenneth Martin, Ms. Hutto, Mr. Oberman, Dr. Leaf and Dr. Smith’s Motion to Dismiss [ECF No. 59] and granting Defendants Florence Mauney and John Palmer’s Motion to Dismiss [ECF No. 60] (the “motions”). [ECF No. 93.] The motions relate to Plaintiff Adrian Tyrell Eaglin’s (“Plaintiff”) Amended Complaint. [ECF No. 46.] The Magistrate Judge also recommended dismissing Defendants Mr. Brown, Ms. Johnson, Ms. Mac, Ms. Moore, and Mrs. Judy Mitchner without prejudice pursuant to Federal Rule of Civil Procedure 4(m). [ECF No. 93.] No party filed objections to the Report, and the time for response has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the Court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the Court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the Court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, Motion to Dismiss [ECF No. 59] and Motion to Dismiss [ECF No. 60] are **GRANTED**. Further, Defendants Brown, Johnson, Mac, Moore, and Mitchner are **DISMISSED** from the action **WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 4(m).<sup>1</sup>

**IT IS SO ORDERED.**

/s/ Sherri A. Lydon  
United States District Judge

January 23, 2020  
Florence, South Carolina

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<sup>1</sup> This Order does not impact Plaintiff’s claims against Defendants McCall, Riley, Lane, Hudson, Ocean, Albert, Zahm, Hollis, Davis, Robinson, Ferrell, Woods, Innabinet, Burrows, Chudd, Toliver, Harrolds, Garcia, and Jackson.